



# ABOLITION OF ARTICLE 370 OF THE CONSTITUTION OF INDIA - A CRITICAL ANALYSIS

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## INTRODUCTION

### Overview and Problem Statement

Article 370 of the Constitution of India, enacted in 1949, granted special autonomous status to the region of Jammu and Kashmir (J&K), allowing it to have its own constitution, flag, and autonomy over internal administration, while defense, foreign affairs, and communications remained under the jurisdiction of the Indian government (Jha, 2016).

In August 2019, the Indian government, led by Prime Minister Narendra Modi, made a landmark decision to revoke Article 370, thereby stripping Jammu and Kashmir of its special status (The Constitution of India, 1950). This decision sparked significant debate and controversy both domestically and internationally, with proponents arguing that it would lead to greater integration of J&K with the rest of India and opponents expressing concerns about potential human rights violations and the erosion of Kashmiri identity (Rather, 2020).

**Objectives of the study:** The objective of this study is to critically analyze the abolition of Article 370 of the Constitution of India and its implications. Specifically, it aims to examine the historical context of Article 370, assess the motivations behind its abolition, evaluate the legal and constitutional ramifications of the decision, and analyze its socio-political and economic implications for the region of Jammu and Kashmir and the wider geopolitical landscape of South Asia.

**Significance of the Study:** This study holds significance as it seeks to contribute to the ongoing discourse surrounding the revocation of Article 370 and its aftermath. By providing a comprehensive analysis of the decision and its consequences, it aims to inform policymakers, scholars, and the general public about the complexities and implications of this historic event.

**Structure of the paper:** The first section provides a brief overview of Article 370 and its historical context. The subsequent section examines the decision to abolish Article 370 and its implications, followed by an analysis of the legal and constitutional aspects of the decision. The paper then delves into the socio-political and economic implications of the revocation of Article 370. Finally, the conclusion synthesizes the key findings of the study and offers recommendations for future research and policy considerations.

## LITERATURE REVIEW

### Historical Background of Article 370

Article 370 of the Indian Constitution, introduced in 1949, granted special autonomous status to the state of Jammu and Kashmir, allowing it to have its own constitution and autonomy over internal administration (Jha, 2016). This provision was included as a temporary measure to accommodate the unique circumstances of J&K's accession to India and was intended to provide a framework for gradual integration while respecting the region's distinct identity and autonomy (Rather, 2020). Over the years, Article 370 became a subject of contentious debate and played a central role in shaping the political landscape of Jammu and Kashmir.

### Previous research and scholarly opinions on Article 370 and its impact on Jammu & Kashmir

Previous research and scholarly opinions on Article 370 and its impact on Jammu & Kashmir have yielded diverse perspectives. Some scholars argue that Article 370 provided a unique framework for preserving the region's autonomy and fostering a sense of identity among its residents (Setalvad, 2018). However, others view it as a barrier to integration and development, citing issues such as limited central oversight, separatist sentiments, and lack of socio-economic progress (Ahanger & Mir, 2022). These contrasting viewpoints underscore the complexity of the debate surrounding Article 370 and its implications for Jammu & Kashmir's future.

### Analysis of opposing viewpoints on the abolition of Article 370

The analysis of opposing viewpoints on the abolition of Article 370 reflects a contentious discourse. Proponents argue that its revocation was necessary for the full integration of Jammu & Kashmir into India, citing issues such as separatism, terrorism, and lack of development (Pathak & Mushahary, 2020). Conversely, critics contend that it undermines the region's special status, erodes autonomy, and exacerbates tensions, leading to widespread unrest (Bhattamishra, 2023). These divergent perspectives underscore the complex socio-political dynamics surrounding the decision to abolish Article 370.

### Examination of relevant laws, judgments, and political debates surrounding Article 370

The examination of relevant laws, judgments, and political debates surrounding Article 370 provides crucial insights into its legal and constitutional dimensions. Legal scholars have scrutinized its origins, interpretations, and implications within

the framework of Indian constitutional law (Hiswara et al., 2023). Judicial decisions, such as the Supreme Court's rulings on the validity and scope of Article 370, have shaped its evolution and application over time (Rather, 2020). Additionally, political debates and deliberations in Parliament have underscored the divergent perspectives and ideological positions regarding the necessity and consequences of its abolition (Deb, 2019).

## METHODOLOGY

**Research Approach:** For this research, a comprehensive methodology is adopted to analyze the abolition of Article 370 of the Constitution of India. The research approach primarily involves a qualitative analysis of historical documents, legal texts, scholarly articles, and political debates. This approach allows for an in-depth exploration of the historical context, legal framework, and socio-political implications of Article 370's abolition.

**Description of Data Sources:** Data sources for this study include academic journals, government reports, legal documents such as constitutional provisions, judgments of the Supreme Court and High Courts, parliamentary debates, and scholarly works by legal experts and political analysts. These sources provide a diverse range of perspectives and empirical evidence necessary for a thorough analysis.

**Data Collection Methods and Techniques:** Data collection methods encompass literature review, content analysis of legal texts and political debates, and examination of historical documents. Through systematic literature review, relevant studies and opinions on Article 370 are synthesized, providing a comprehensive understanding of existing scholarship. Content analysis of legal documents and political debates enables the identification of key arguments, legislative intent, and societal implications surrounding the abolition of Article 370.

**Ethical Considerations:** Ethical considerations are paramount in conducting this research. Confidentiality is ensured by appropriately citing sources and respecting intellectual property rights. Impartiality is maintained by critically evaluating diverse viewpoints and avoiding bias in data interpretation. Moreover, ethical standards of academic integrity and honesty are adhered to throughout the research process, ensuring the validity and reliability of findings.

## RESULTS

### Presentation of key findings from the literature review and analysis

In the presented literature review and analysis, several key findings emerge regarding the historical background and impact of Article 370's abolition in Jammu & Kashmir. Historically, Article 370 granted special autonomous status to the region, providing it with significant political and economic autonomy (Ganguly & Diamond, 2019). However, scholarly opinions on its efficacy and implications varied widely. While some scholars argued that Article 370 was essential for preserving the region's unique identity and fostering socio-political stability (Schofield, 2000), others criticized it for impeding integration and hindering development initiatives (Scholar et al., 2020).

The analysis also delved into the socio-political, economic, and legal ramifications of abolishing Article 370. It revealed a complex interplay of factors, including tensions between central governance and regional autonomy, implications for minority rights and demographics, and challenges in implementing socio-economic reforms (Bose, 2020). Furthermore, the examination highlighted the significance of understanding the pre- and post-abolition scenarios in Jammu & Kashmir to assess the true impact of this decision (Ganguly & Diamond, 2019).

Overall, the literature review and analysis provide valuable insights into the multifaceted nature of Article 370 and its abolition, laying the groundwork for a comprehensive examination of its implications on various aspects of governance, society, and development in the region. Moving forward, the subsequent section will delve deeper into the socio-political, economic, and legal implications of this significant constitutional amendment, drawing on empirical evidence and scholarly discourse to elucidate key findings and trends.

### Examination of the socio-political, economic, and legal implications of the abolition of Article 370

The abolition of Article 370 has had profound socio-political, economic, and legal implications in Jammu & Kashmir. Politically, it has reshaped the relationship between the region and the Indian government, centralizing power and governance mechanisms (Press Information Bureau, 2021). This move has sparked debates about the balance between federalism and regional autonomy and has led to significant changes in administrative structures and political dynamics (Ganguly & Diamond, 2019).

Economically, the impact has been mixed, with proponents arguing that it will spur investment and development, while critics express concerns about potential economic marginalization and loss of livelihoods (Scholar et al., 2020). Moreover, the abrogation of Article 370 has legal ramifications, raising questions about constitutional validity, human rights implications, and legal frameworks governing land ownership and governance structures (Bose, 2020).

This examination highlights the multifaceted nature of the decision to revoke Article 370 and underscores the need for nuanced analysis to understand its far-reaching consequences on the socio-political, economic, and legal landscape of Jammu & Kashmir.

### Discussion of data figures and statistics supporting different arguments

#### *Social Implications*

The discussion of data figures and statistics surrounding the abolition of Article 370 provides empirical evidence to support various arguments. For instance, proponents of the decision argue that it has led to a decrease in terrorist incidents and an increase in development indicators in Jammu & Kashmir (Ministry of Home Affairs (2023)). Data from government reports and security agencies indicate a decline in violence and infiltration attempts post-abrogation, suggesting improvements in security conditions (Press Information Bureau, 2021).

Conversely, critics point to data highlighting human rights violations and civil liberties restrictions in the region following the revocation of Article 370 (Kugelman, 2019). Reports from international organizations and civil society groups document instances of arbitrary detention, internet shutdowns, and curtailment of freedom of expression, raising concerns about the erosion of democratic norms and fundamental rights (Human Rights Watch, 2021).

### ***Economic Implications***

The abolition of Article 370 has had significant implications for the economy of Jammu and Kashmir (J&K), with both positive and negative effects observed. Proponents argue that the move has opened up new avenues for economic development and investment in the region. For instance, the Indian government has initiated various infrastructure projects aimed at improving connectivity, such as the construction of highways and railways (Financial Express, 2023). These projects are expected to stimulate economic growth, create job opportunities, and attract investment from both domestic and international sources.

Furthermore, the integration of J&K with the rest of India has led to the extension of central government schemes and benefits to the region. This includes access to welfare programs, subsidies, and financial assistance aimed at supporting various sectors of the economy, including agriculture, tourism, and small-scale industries (Wani, 2021). Such measures are intended to uplift the standard of living and improve socio-economic indicators in J&K.

However, critics argue that the economic impact of the abolition of Article 370 has not been uniformly positive and has exacerbated existing challenges faced by the region. The abrupt shutdown of internet services and restrictions on movement imposed in the aftermath of the decision had severe repercussions on local businesses, particularly those reliant on e-commerce and digital transactions (Medha, 2019). Additionally, the prolonged period of unrest and uncertainty following the revocation of special status deterred investors and hindered economic activity, leading to job losses and economic stagnation (Andrabi, 2020).

Moreover, the implementation of new land laws allowing outsiders to purchase land in J&K has sparked concerns about demographic changes and the potential exploitation of local resources by outside interests (Andrabi, 2020). This has fueled apprehensions among local stakeholders about the loss of control over their land and livelihoods, exacerbating socio-economic tensions in the region.

In summary, while the abolition of Article 370 has brought about certain economic opportunities for J&K, it has also presented challenges and uncertainties that require careful consideration and proactive measures to address.

### **Comparison of pre- and post-abolition scenarios in Jammu & Kashmir**

The comparison of pre- and post-abolition scenarios in Jammu & Kashmir (J&K) reveals significant shifts in various socio-

economic indicators. Before the abolition of Article 370, J&K operated under a special status that granted it autonomy in certain matters, including land ownership and governance. However, this autonomy also limited the region's integration with the rest of India and hindered its access to central government schemes and benefits.

Post-abolition, there have been notable changes in several key areas. For instance, there has been an increase in government spending on infrastructure projects aimed at improving connectivity and development in the region. According to government data, the allocation for J&K's development projects increased from Rs.38,408 crore in 2018-19 to Rs.51,874 crore in 2020-21 (Press Information Bureau, 2021). This surge in investment reflects the government's commitment to fostering growth and development in J&K.

Additionally, there has been a visible decline in incidents of separatist violence and militancy in the region following the abolition of Article 370. Data from the Ministry of Home Affairs indicates a significant decrease in terrorist incidents and casualties in J&K since 2019 (Ministry of Home Affairs, 2021). This improvement in security conditions has bolstered investor confidence and paved the way for greater economic activity and investment in the region.

However, despite these positive developments, challenges persist in J&K's transition to a post-370 era. The region continues to grapple with issues such as unemployment, lack of economic diversification, and social unrest. Addressing these challenges requires sustained efforts from both the central and state governments, as well as active participation from local stakeholders.

In conclusion, the comparison of pre- and post-abolition scenarios in J&K highlights both the progress made and the challenges that lie ahead in the region's journey towards development and stability.

## **DISCUSSION**

### **Interpretation of results in the context of the research objectives**

The interpretation of results in the context of the research objectives underscores the multifaceted implications of the abolition of Article 370 in Jammu & Kashmir (J&K). Through a comprehensive analysis of historical background, previous research, and scholarly opinions, we have elucidated the complex dynamics surrounding this decision. Our examination revealed divergent viewpoints on the subject, ranging from assertions of enhanced integration and development to concerns about erosion of autonomy and identity.

In light of these findings, it becomes evident that the decision to abolish Article 370 has far-reaching consequences that extend beyond the legal and constitutional realm. It intersects with socio-political, economic, and security dimensions, shaping the trajectory of governance and statehood in India. Our interpretation underscores the importance of critically evaluating these implications to inform policymaking and



address the challenges facing J&K.

Moving forward, the discussion will delve into a nuanced analysis of the strengths and weaknesses of this decision, probing its impact on various aspects of life in J&K. By examining these facets in detail, we aim to provide a comprehensive understanding of the complexities surrounding the abolition of Article 370 and its aftermath.

#### **Analysis of the strengths and weaknesses of the decision to abolish Article 370**

The analysis of the strengths and weaknesses of the decision to abolish Article 370 reveals a multifaceted scenario with implications across various dimensions. Proponents argue that the move has led to tangible benefits such as increased investment and infrastructure development in Jammu & Kashmir (J&K). For instance, data from the Ministry of Home Affairs indicates a significant increase in central government funding for J&K post-abrogation of Article 370, with allocations rising from Rs.19,716 crore in 2018-19 to Rs.30,757 crore in 2019-20 (Ministry of Home Affairs, 2020). This surge in investment is seen as a positive step towards addressing developmental deficits in the region.

Moreover, proponents highlight the purported security benefits resulting from the abolition of Article 370. According to data from the Ministry of Home Affairs, there has been a decrease in terrorist incidents and casualties in J&K since August 2019, signaling an improvement in the security situation (Ministry of Home Affairs, 2021). They argue that the integration of J&K with the rest of India has facilitated better coordination between security forces, leading to more effective counter-terrorism operations.

However, critics contend that the decision to revoke Article 370 has come at the cost of eroding the autonomy and special status of J&K. Data from the Jammu & Kashmir Economic Survey reveals a decline in Gross State Domestic Product (GSDP) growth rate from 6.19% in 2018-19 to 4.75% in 2019-20, indicating a slowdown in the economy post-abrogation (Directorate of Economics & Statistics, J&K, 2020). This economic downturn is attributed to factors such as disruptions in trade and tourism due to prolonged lockdowns and communication restrictions.

Furthermore, concerns have been raised about the impact of the decision on the socio-political fabric of J&K. Data from the Jammu & Kashmir Coalition of Civil Society (JKCCS) documents instances of human rights violations and civilian casualties in the aftermath of the revocation of Article 370, highlighting the humanitarian cost of the decision (JKCCS, 2020). Critics argue that the suspension of civil liberties and the detention of political leaders have undermined democratic principles and fueled resentment among the local population.

In evaluating the strengths and weaknesses of the decision, it is essential to consider the broader implications for governance, federalism, and security in India. By examining these aspects in conjunction with the socio-economic and political dynamics of

J&K, a nuanced understanding of the impact of the abolition of Article 370 can be gained.

#### **Evaluation of the impact on the autonomy, identity, and socio-economic development of Jammu and Kashmir**

The evaluation of the impact on the autonomy, identity, and socio-economic development of Jammu and Kashmir following the abolition of Article 370 reveals a complex interplay of factors. On one hand, proponents argue that the move has facilitated greater integration of J&K with the rest of India, leading to improved socio-economic development opportunities. Data from the Ministry of Rural Development indicates a surge in the implementation of centrally-sponsored schemes in J&K post-abrogation, with funds disbursed for initiatives such as the Pradhan Mantri Awaas Yojana (PMAY) and the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) (Ministry of Rural Development, 2021). This increased focus on development programs is seen as a positive step towards addressing long-standing issues of poverty and unemployment in the region.

However, critics argue that the revocation of Article 370 has undermined the autonomy and identity of J&K, leading to a sense of alienation among the local population. Data from the Ministry of Home Affairs reveals a surge in the number of security-related incidents and civilian casualties in J&K post-abrogation, indicating a deterioration in the security situation (Ministry of Home Affairs, 2021). This escalation in violence is attributed to factors such as heightened tensions between security forces and local residents, as well as the resurgence of militancy in certain areas.

Moreover, concerns have been raised about the erosion of cultural and political rights in J&K following the decision to abolish Article 370. Data from the Jammu & Kashmir Human Rights Commission highlights instances of human rights violations and arbitrary detentions in the region, signaling a crackdown on dissent and freedom of expression (Jammu & Kashmir Human Rights Commission, 2020). Critics argue that these measures have stifled the voices of local communities and undermined their socio-cultural identity.

In evaluating the impact on autonomy, identity, and socio-economic development, it is essential to consider the broader implications for federalism, governance, and security in India. By examining these dimensions in conjunction with the specific socio-economic and political dynamics of J&K, a comprehensive understanding of the implications of the abolition of Article 370 can be achieved.

#### **Discussion of the broader implications for federalism, governance, and security in India**

The abolition of Article 370 has profound implications for federalism, governance, and security in India, reverberating beyond the borders of Jammu and Kashmir. From a federalism perspective, the move has been lauded by proponents as a step towards promoting unity and integrity within the Indian Union. Data from the Ministry of Home Affairs indicates a decline in the number of incidents of cross-border terrorism in J&K

post-abrogation, signaling improved security along the Line of Control (LoC) (Ministry of Home Affairs, 2021). This is seen as a positive development in strengthening the federal structure of India by curbing external threats to national security.

However, critics argue that the unilateral revocation of Article 370 undermines the principles of federalism enshrined in the Indian Constitution, as it bypasses the need for consultation with the affected state. Data from the Ministry of External Affairs highlights concerns raised by neighbouring countries such as Pakistan regarding the status of Jammu and Kashmir, leading to diplomatic tensions in the region (Ministry of External Affairs, 2021). This underscores the broader geopolitical ramifications of the decision on regional stability and security.

From a governance standpoint, the abolition of Article 370 has implications for the distribution of powers between the central and state governments. Data from the Ministry of Law and Justice indicates a surge in the central government's intervention in matters relating to J&K post-abrogation, including the reorganization of the state into two union territories (Ministry of Law and Justice, 2021). While proponents argue that this centralization of power enhances administrative efficiency and promotes development, critics contend that it erodes the autonomy of the erstwhile state government and undermines democratic principles.

In conclusion, the abolition of Article 370 has far-reaching implications for federalism, governance, and security in India, necessitating a nuanced understanding of its impact on the country's socio-political landscape.

## CONCLUSION AND RECOMMENDATIONS

### Summary of key findings and arguments presented in the paper

In summary, this paper has delved into the multifaceted implications of the abolition of Article 370 of the Constitution of India. Through an extensive examination of historical contexts, previous research, and scholarly opinions, we have elucidated the socio-political, economic, and legal dimensions of this decision. The key findings highlight the divergent viewpoints surrounding the abolition, with proponents emphasizing enhanced national unity and security while critics raise concerns regarding federalism, governance, and human rights. Additionally, the analysis has underscored the complex interplay between centralization and autonomy in Jammu and Kashmir, shaping its socio-economic landscape post-abrogation. These findings underscore the need for a nuanced understanding of the implications of the decision on various stakeholders and institutions.

This summary sets the stage for a deeper reflection on the significance of the study in addressing the research problem, exploring the broader implications of the abolition of Article 370 for governance, federalism, and security in India.

### Reflection on the significance of the study in addressing the research problem

The significance of this study lies in its comprehensive

exploration of the ramifications of the Article 370 abrogation, encompassing socio-political, economic, and legal dimensions. By delving into the historical context and contemporary repercussions, this analysis offers valuable insights for policymakers, scholars, and stakeholders grappling with the aftermath of this constitutional amendment. Furthermore, this study provides a foundation for future research endeavors seeking to delve deeper into the complexities of governance and autonomy in Jammu and Kashmir.

### Policy recommendations for addressing the challenges and opportunities arising from the abolition of Article 370

Policy recommendations for addressing the challenges and opportunities arising from the abolition of Article 370 are imperative to navigate the complexities of post-amendment governance in Jammu and Kashmir. Firstly, fostering inclusive dialogue and consultation with local stakeholders is essential to build consensus and promote democratic governance in the region. Additionally, investing in infrastructure development, education, and healthcare can mitigate socio-economic disparities and foster inclusive growth (Kumar & Sethi, 2024). Moreover, instituting measures to protect the cultural heritage and identity of the region is crucial for promoting social cohesion and preserving diversity (Hiswara et al., 2023).

### Suggestions for future research directions and areas for further inquiry

Suggestions for future research directions and areas for further inquiry are crucial for advancing scholarly understanding and addressing lingering uncertainties surrounding the abolition of Article 370. Investigating the long-term socio-economic impacts of the amendment on marginalized communities and vulnerable populations can provide valuable insights into equitable development strategies (Bharali, 2020). Furthermore, comparative studies examining the experiences of regions with similar historical contexts can offer comparative perspectives and inform policy formulation (Kumar & Sethi, 2024). Additionally, exploring the role of international actors and geopolitical dynamics in shaping the post-amendment landscape merits further exploration (Raghavan, 2019).

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